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EXAMINER

AFSHAR, KAMRAN

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/730,144

Applicant(s)

ISLAM ET AL.

Examiner

Kamran Afshar, 571-272-7796

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-45 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/14/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 18-20, 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Binzel (U.S. Pub. No.: 2004/0176066 A1).

With respect to claims 1, 35, Binzel discloses a method of explicitly indicating that a mobile station terminated call is from an emergency call centre (See e.g. network 500 of Fig. 5), the method comprising the steps of: forming means and / or forming an emergency signal in relation to the mobile station (See e.g. 510, 508, 502 of Fig. 5) terminated call (See e.g. Page 2, ¶ [0017], Lines 41-46); sending the emergency signal to the mobile station on behalf of the emergency call centre (See e.g. 510, 508, 502 of Fig. 5); and emergency signal detecting means for and / or detecting the emergency signal at the mobile station (See e.g. Page 2, 2 [0017], Lines 25-36).

Regarding claim 2, Binzel discloses placing a mobile station originated emergency call (See e.g. 100 of Fig. 1, Page 2, 2 [0016], Lines 24-26, call initiated or call started, etc. Page 2, ¶ [0017], Lines 41-46).

Regarding claim 3, Binzel discloses receiving the mobile station terminated emergency call (See e.g. Page 2, 2 [0017], Lines 41-46).

Regarding claim 4, Binzel discloses receiving the mobile station terminated emergency call (See e.g. Page 2, 2 [0017], Lines 41-46).

Regarding claim 5, Binzel discloses maintaining an apparently continuous emergency call (See e.g. Page 1, ¶ [0011]).

Regarding claim 6, Binzel discloses automatically transitioning (See e.g. originated call, call initiated or call started, etc. Page 2, ¶ [0017], Lines 41-46) from the mobile station originated emergency

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call to the mobile terminated emergency call (See e.g. Page 2, ¶ [0018], Line 66 – Page 2, ¶ [0018], Line 15).

Regarding claim 7, Binzel discloses blocking a non-emergency (See e.g. blocking, refusing, dropping, rejecting if not an emergency call) mobile station terminated call in favor of one of the mobile station originated emergency call and the mobile terminated emergency call (See e.g. allow if emergency call, Page 2, ¶ [0017], Flow chart of Fig. 2).

Regarding claim 8, Binzel discloses an emergency callback timer (See e.g. 116 of Fig. 1, 308 of Fig. 30) having an emergency callback period during which the mobile station operates in emergency callback mode (See e.g. return call, callback, elapsed time, predefined time period, etc., Page 3, ¶ [0022]).

Regarding claim 9, Binzel discloses determining if the mobile terminated emergency call occurs outside of the emergency callback period (See e.g. Page 2, ¶ [0018], Lines 65-70), and if so determined resetting the emergency callback timer (See e.g. 308 of Fig. 3) so as to cause the mobile station to operate in emergency callback mode (See e.g. renewing the time period, Page 2, ¶ [0018], Lines 20-24).

Regarding claim 18, Binzel discloses notifying emergency information at the mobile station (See e.g. Page 2, ¶ [0017]).

Regarding claim 19, Binzel discloses the emergency information is derived (See e.g. 506, 510, 504, 508, 502 of Fig. 5) from the emergency signal (See e.g. Page 1, ¶ [0011], Lines 25-39).

Regarding claim 20, Binzel discloses the emergency information to be more readily understood by the subscriber of the mobile station (See e.g. outputting the recovered emergency information on the display, Page 1, ¶ [0011], Lines 36-39).

Regarding claim 36, Binzel disclose an emergency callback timer (See e.g. 116, 106 of Fig. 1, Page 1, ¶ [0013] – Page 2, ¶ [0014]) inherently to keep track of the amount of time that has elapsed since the end the mobile station terminated call (See e.g. Page. 2, ¶ [0018]).

Regarding claim 37, Binzel disclose an emergency continuity controller to control the emergency callback timer (See e.g. 116, 106 of Fig. 1, Page 1, ¶ [0013] – Page 2, ¶ [0014]) inherently as a function of the emergency signal (See e.g. Page. 2, ¶ [0018]).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-14, 38-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binzel (U.S. Pub. No.: 2004/0176066 A1) in view of Drawert (U.S. Pub. No.: 2004/0203876 A1) further in view of Saegusa (U.S. patent 6,198,914 B1).

Regarding claim 10, Binzel discloses everything as discussed above in rejected claims 1, 35. In an analogous field of endeavor, Drawert discloses determining the location of the mobile station (See e.g. Page 3, ¶ [0022], Lines 1-5, Page 3, ¶ [0023], Lines 21-29, Figs. 1, 5). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Drawert to Binzel providing the method and / or system for determining the location of the mobile station using GPS assist data (i.e. Lat., & Long) to quickly determine its location (See e.g. Page 3, ¶ [0025], Lines 42-45), upon determining the location of MS (e.g., latitude and longitude), sends location message to the network. Therefor, when PSAP sends location request to the network. And the network responds with location message indicating the MS's location to public safety personnel such as 911 dispatcher in a reduced time period (See e.g. Page 3, ¶ [0023], Lines 21-29). The motivation comes from Saegusa, In response to this emergent state detection signal, the transmitting means transmits to the emergency call center the emergency information which includes both the first positional information obtained from the locating means and the identification information to specify the user of the relevant emergency call mobile station (See e.g. Co. 2, Lines 30-36).

Regarding claim 11, Drawert discloses the apparently continuous emergency call comprises at least one call with a first responder (See e.g. the user of the MS talking to someone in public safety, such as 911 dispatcher, Page 3, ¶ [0022], Lines 1-5).

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Regarding claim 12, Drawert discloses the location of the mobile station is communicated to the first responder (See e.g. Page 3, ¶ [0022], Lines 1-5).

Regarding claim 13, Drawert discloses providing location privacy at the mobile station (See e.g. location is provided while the PSAP is not involved, Page 3, ¶ [0024]).

Regarding claim 14, Binzel disclose maintaining an emergency callback (see e.g. call back and / or return call, Page 2, ¶ [0018, Lines 20-24) timer having an emergency callback period during (See e.g. 306, 308 of Fig. 3, Page 2, ¶ [0018], Lines 7-14) which the mobile station inherently operates in emergency callback mode (See e.g. Flow chart of Fig. 3).

Regarding claim 38, Drawert discloses providing a locator for providing location based services (See e.g. 120, 124 of Fig. 1, Page 2, ¶ [0014], Lines 1-5, page 2, ¶ [0015], Lines ).

Regarding claim 39, Drawert discloses a location privacy controller to control the location services as a function of the emergency signal (See e.g. 124, 210 of Fig. 2, Page 3, ¶ [0022], Line 1 - ¶ [0023], Lines 29).

Regarding claim 40, Saegusa discloses an emergency notification controller to provide emergency information to the subscriber of the mobile station as a function of the emergency signal (See e.g. Co. 2, Lines 30-36).

Regarding claim 41, Esque discloses the emergency information includes location information (See e.g. Co. 2, Lines 30-36).

Regarding claim 42, Saegusa discloses information includes a map Co. 1, Line 63 – Co. 2, Lines 10).

Regarding claim 43, Saegusa discloses the emergency information is localized to be understood by the subscriber of the mobile station (See e.g. Co. 4, Lines 29-34).

Regarding claim 44, Saegusa discloses the emergency information is visual (See e.g. Co. 4, Lines 29-34).

Regarding claim 45, Saegusa discloses the emergency information is audible (See e.g. Co. 2, Lines 18-25).

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5. Claims 21-28, 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binzel (U.S. Pub. No.: 2004/0176066 A1) in view of Esque (U.S. Pub. No.: 2004/0203622 A1) further in view of Brooks (U.S. Patent 6,879,819 B2).

Regarding claim 20, Binzel discloses everything as discussed above in claim 1. In an analogous field of endeavor, Esque discloses determining a locale at the mobile station (See e.g. preselected recipient, designated contacts, emergency contacts, destination hospital, etc., Page 1, ¶ [0007], Lines 2-12). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Esque to Binzel determining a locale at the mobile station so that to provide an emergency information (i.e. location, telephone number, any other information, emergency contacts, destination hospital, etc.) the emergency systems operator. In response to a 911 signal, a command control center notifies predetermined emergency contacts and sends information generated by 911 communication to the emergency contacts (See e.g. Page 1, ¶ [0007]). The motivation comes from Brooks, facilitating the precise locale which is used by fire, police, or other rescue personal to aid the caller (See e.g. Co. 3, Lines 59-62).

Regarding claim 22, Esque discloses the locale is a default locale at the mobile station (See e.g. list of emergency contacts, Page 3, ¶ [0025], Lines 12-15) determine its location (See e.g. Page 3, ¶ [0030], Lines 9-18).

Regarding claim 23, Esque discloses the locale (See e.g. preselected recipient, designated contacts, emergency contacts, destination hospital, etc., Page 1, ¶ [0007], Lines 2-12 is a preferred locale at the mobile station (See e.g. list of emergency contacts, Page 3, ¶ [0025], Lines 12-15).

Regarding claim 24, Esque discloses the locale is a function of a preferred ranking of locales at the mobile station (See e.g. list of emergency contacts, Page 3, ¶ [0025], Lines 12-15).

Regarding claim 25, Esque discloses the emergency signal includes an emergency code (See e.g. Page 3, ¶ [0026], Lines 26-27).

Regarding claim 26, Esque discloses the emergency information is a function of the emergency code (See e.g. Page 3, ¶ [0026], Lines 26-27).

Regarding claim 27, Brooks discloses the emergency code describes the nature of the emergency in a non-localized fashion (See e.g. Co. 3, Line 63 – Co. 4, Lines 5, Figs. 3-4).

Regarding claim 28, Brooks discloses the emergency code (See e.g. Co. 3, Line 63 – Co. 4, Lines 5, Figs. 3-4) is inherently determined by the emergency call centre (See e.g. Co. 3, Lines 1-5) as a function of the nature of the emergency ascertained during the mobile station terminated call (See e.g. Co. 4, Lines 10-18).

Regarding claim 30, Brooks discloses the emergency signal is sent in an alert with info message (See e.g. Co. 3, Lines 25-32).

Regarding claim 31, Brooks discloses the emergency signal is sent in a flash (or alert) with info message (See e.g. Co. 3, Lines 25-32).

Regarding claim 32, Brooks discloses answering the mobile station terminated emergency call (See e.g. Co. 4, Lines 7-18).

Regarding claim 33, Brooks discloses the subscriber (or the caller, or the user, etc.) to manually answer the mobile station terminated emergency call for a predetermined amount of time before automatically answering the mobile station terminated emergency call (See e.g. pressing buttons, w/o speaking, Co. 3, Lines 35-46).

Regarding claim 34, Brooks discloses the mobile station which inherently has speakerphone capability, and if so determined turning on the speakerphone automatically (See e.g. Co. 3, Lines 35-46).

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Binzel (U.S. Pub. No.: 2004/0176066 A1) in view of Bscheider (U.S. Patent 6,246,752 B1).

Regarding claim 29, Binzel discloses everything as discussed above in the rejected claims 1, 35. In an analogous field of endeavor, a global emergency call record (See e.g. MCR Co. 37, Lines 21-28). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Esque to Binzel to provide emergency call record are included in the call monitoring system and / or an emergency dispatch center (See e.g. Co. 1, Lines 10-12).



***Allowable Subject Matter***

7. Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claim 15, the prior art of record fails to disclose or render obvious that the steps of determining if the mobile terminated emergency call occurs outside of the emergency callback period; and if so determined enabling location services.

With respect to claim 16, the prior art of record fails to disclose or render obvious that the steps of determining if the mobile station is configured to allow location services outside the emergency callback period; and if so determined preventing location services from being enabled outside the emergency callback period.

With respect to claim 17, the prior art of record fails to disclose or render obvious that the steps of determining if the emergency callback timer has expired; and if so determined disabling location services.

With respect to claim 28, the prior art of record fails to disclose or render obvious that the emergency code is determined by the emergency call centre as a function of the nature of the emergency ascertained during the mobile station terminated call.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Hossain (U.S. Pub. No.: 2004/0242191 A1), which discloses Method and apparatus for a mobile station to enhance the probability of successful emergency call completion and successful callback from emergency service centre.

b) Wilhelm (U.S. Pub. No.: 2001/0023187 A1), which discloses Process, terminal and infrastructure devices for forming terminal groups in a mobile-radio telecommunications network.

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c) Camp (U.S. Pub. No.: 2005/0032504 a1) which discloses Method And Apparatus For Communication.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Feild, Joseph** can be reached @ (571) 272-4090. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Kamran Afshar**

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**